

MILFORD BOARD OF ADJUSTMENT MINUTES – DECEMBER 18, 2003

Present: Chairman Harten
R. Westergren
K. Bauer
K. Maher
B. Levenson

Shirley A. Carl, Admn. Asst.

Case #30-03 Joseph Raczek, 380 Nashua St. – Map 30, Lot 36 - Special Exception – Article II,
Para. 2.031.C to expand a non-conforming use by constructing an 8x36' addition

Motion to approve _____

Seconded by _____

Signed _____

Chairman Harten opened the meeting at 7:35 PM by stating that the hearings are held in accordance with the TOM Zoning Ordinance and the NH Statutes.

The Notice of Hearing and abutter list was read into the record: Present – Joseph Raczek, owner; and abutters Robert & Brenda Amadio.

The paperwork indicates KC Serendipity as owners, but as of last week, papers were passed and Mr. Raczek is now the legal owner.

Mr. Raczek gave his presentation:

1. He is an optometrist presently located at 180 Elm St. and would like to expand his office as it is very cramped.
2. He indicated on the plan where he would locate his office, which would be to the back of the westerly side of the building. This addition would provide him with an extra 288 SF to provide for a couple of clinic rooms and for some equipment. Also, he would have room to store old records.
3. There would be a door out of the main addition.
4. Question came up about parking and he responded that whatever the Town wants he will do.

R. Amadio spoke to spot lights on the building out into the parking lot and they stay on all night. He didn't have a problem with the request. His other issue was with snow being plowed into his fence, but this will be worked out with Mr. Raczek.

He then spoke to the special exception criteria:

- A. The proposed use shall be similar to those permitted in the district? It is Res. "A" and this will be a professional office.
- B. The specific site is an appropriate location for the proposed use. His office is a professional one; there are other doctors on the street and similar businesses in the area.
- C. The use as developed will not adversely affect the adjacent area. He feels his business would make it better; low traffic.
- D. There will be no nuisance or serious hazard to vehicles or pedestrians. He schedules people every ½ hour; low volume about 15 people per day.
- E. Adequate appropriate facilities will be provided for the proper operation of the proposed use. He didn't have a response.

K. Bauer brought up the criteria for 2.031.C.1 & 2 - regarding the proposed alteration, expansion or change will not change the nature of the original use and proposed alteration, expansion or change would involve no substantially effect on the neighborhood. The members didn't have a problem with either one.

H. Nelson – alternate asked about the appearance of the addition and if would be the same as the rest of the house with the response in the affirmative.

The open portion of the hearing closed at 8:05 PM

There being no further discussion, voting took place:

1. Is the exception allowed by the ordinance?
K. Bauer – Yes K. Maher – Yes B. Levenson - Yes

- R. Westergren – Yes Len Harten - Yes
2. Are the specified conditions present under which the exception may be granted?
- K. Bauer – Yes K. Maher – Yes B. Levenson - Yes
- R. Westergren – Yes Len Harten – Yes

A motion was made by B. Levenson, seconded by K. Bauer and unanimously voted to grant the request.

Thirty-day appeal period.

Meeting adjourned at 8:10 pm